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1 2 3	BARRY J. PORTMAN Federal Public Defender LARA S. VINNARD Assistant Federal Public Defender 160 West Santa Clara Street, Suite 575 San Jose, CA 95113				
4	Telephone: (408) 291-7753				
5	Counsel for Defendant PONCE				
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7					
8	IN THE UNITED STATES DISTRICT COURT				
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA				
10	SAN JO	SE DIVISION *E-FILED	- 10/5/05*		
11	UNITED STATES OF AMERICA,) No. CR 05-00288 RMW			
12	Plaintiff,) STIPULATION TO CO	NTINUE		
13	v.) HEARING; ORDER)	G; ORDER		
14	MARIO PONCE,				
15	Defendant.)			
16)			
17	Defendant and the government, through their respective counsel, hereby stipulate that,				
18	subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for				
19	Monday, September 26, 2005, at 9:00 a.m., be continued to Monday, October 24, 2005, at 9:00				
20	a.m. The parties agree that the hearing should be continued because the defense is continuing to				
21	investigate and consult with an immigration attorney regarding whether Mr. Ponce's immigration				
22	status could be restored, based on possible defects in the felony conviction that led to his				
23	deportation. At this time, the defense has obtained a copy of the transcript from his guilty plea in				
24	state court, and is in the process of obtaining additional relevant information.				
25	The parties further agree that time should be excluded under the Speedy Trial Act because				
26	the defense requires time for investigation and preparation, and the ends of justice outweigh the				
	STIPULATION TO CONTINUE HEARING DATE, ORDER No. CR 05-00288 RMW	1			

Case 5:05-cr-00288-RMW Document 17 Filed 10/05/05 Page 2 of 3 defendant's and the public's need for a speedy trial. Dated: September 23, 2005 LARA S. VINNARD Assistant Federal Public Defender Dated: September 23, 2005 $/_{\rm S}/$ SUSAN KNIGHT Assistant United States Attorney STIPULATION TO CONTINUE HEARING DATE, ORDER No. CR 05-00288 RMW

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3		G. T. A. T.			
4	IN THE UNITED STATES DISTRICT COURT				
5	FOR THE NORTHERN DISTRICT OF CALIFORNIA				
6	SAN JOSE DIVISION				
7	UNITED STATES OF AMERICA,)	No. CR 05-00288 RMW		
8	Plaintiff, v.)	ORDER CONTINUING HEARING		
9	MARIO PONCE,)			
10	Defendant.)			
11	The parties have jointly requested a continuance of the hearing set for September 26,				
12					
13	2005, on grounds that the defense is continuing to investigate whether Mr. Ponce may be able to				
14					
15	grounds for his removal from the United States.				
16	GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date				
17	presently set for September 26, 2005, be continued to Monday, October 24, 2005, at 9:00 a.m.				
18	Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time				
	from September 26, 2005, to Monday, October 24, 2005, shall be excluded from the period of				
19	time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.				
20					
21	Dated: 10/5/05		/S/ RONALD M. WHYTE		
22			RONALD M. WHYTE United States District Judge		
23					
24					
25					
26					
	STIPULATION TO CONTINUE HEARING DATE, ORDER				

HEARING DATE, ORDER
No. CR 05-00288 RMW